

(1)

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1367/2006

BUNTI @ JINNA Vs. STATE OF RAJASTHAN & ANR.

Date: 07.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.A. Naqvi for the petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.
Mr. J.P. Goyal for the respondent.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 07.10.2006 passed by the Additional Chief Judicial Magistrate, Bari, District Dholpur in Misc. Criminal Case No. 165/2006, by which the Court below has partly allowed the application under Section 125 Cr.P.C. and granted maintenance to the non-petitioner No.2 Puppi Mehrunisha for 4 months 22 days at the rate of Rs. 1,000/- per month and a sum of Rs. 500/- per month to her son Imran till he attains the age of majority.

Having heard learned counsel for the petitioner, learned counsel for the respondent and upon careful consideration of the judgment rendered by the Hon'ble Supreme Court in the case of **Mst. Bilkis Begum**

(2)

@ Jahanara Vs. Majid Ali Gazi & Anr., 2002(2) WLC(SC)

104, so far as maintenance granted to the minor son Imran at the rate of Rs. 500/- per month till he attains the age of majority is concerned, this Court do not want to interfere in the impugned order passed on the application under Section 125 Cr.P.C. and to this extent the revision petition fails.

As regards maintenance granted in favour of the non-petitioner No.2 for 4 months and 22 days at the rate of Rs. 1,000/- per month, it is not disputed that the application under Section 125 Cr.P.C. with regard to divorcee wife is not maintainable under the Muslim Women (Protection of Rights on Divorce) Act, 1986. To that extent, the matter is remitted back to the Court below for fresh adjudication under the Muslim Women (Protection of Rights on Divorce) Act and shall pass fresh order.

With these observations, the revision petition stands partly allowed.

(K.S. RATHORE), J.

/KKC/